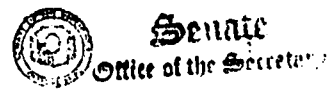


EIGHTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
Second Regular Session]



20 AUG 26 P3:02

SENATE

S.B. No. 1793

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Introduced by SEN. WIN GATCHALIAN

AN ACT
MANDATING THE FULL DIGITAL TRANSFORMATION OF ALL
GOVERNMENT AGENCIES, OFFICES AND CORPORATIONS, INCLUDING
LOCAL GOVERNMENT UNITS, APPROPRIATING FUNDS THEREFOR AND
FOR OTHER PURPOSES

EXPLANATORY NOTE

Governments are facing increasing expectations to deliver innovative and responsive public services effectively and promptly, while dealing with strong pressures to consolidate public finances to remain globally competitive and to spur growth.¹ However, governments have been slow in using digital technology to change the way it delivers necessary services to the general public.

In the Philippines, the e-Government Master Plan, thru the Medium-Term Information Technology Harmonization Initiative (MITHI), and related e-Government (e-Gov) and Integrated Government Philippines (iGovPhil) programs have been launched as early as 2012 by then Information and Communication Technology Office of the Department of Science and Technology. While e-Gov and iGovPhil programs laid the foundation necessary for the Philippines to build its technology capabilities by establishing government data centers, installing initial Wi-Fi facilities, providing

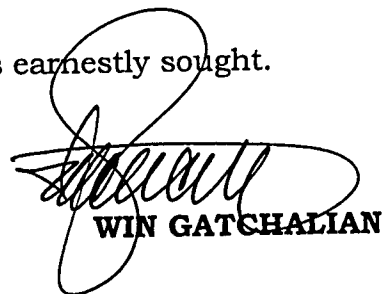
¹ "OECD Comparative Study: Digital Government Strategies for Transforming Public Services in the Welfare Areas", p. 6, 2016.

government agencies with internet-based shared services,² the Philippines has been very slow in integrating the use of digital technology in its modernization efforts to improve the delivery of its services.

The benefits of digitization cannot be overemphasized, especially its potential to increase productivity and inclusiveness of service production and delivery in public welfare area considering that digitization can be a precursor to establishing and maintaining sound fiscal policies in the long run.

Thus, this measure will mandate a time frame for the full digital transformation of the government to compel government agencies, offices, instrumentalities, corporations and units to adopt a digitization strategy aligned with the Philippine Digital Transformation Strategy 2022 of the Department of Information and Communication Technology. This includes the creation of a Digital Transformation department in every agency and office, which will perform functions beyond the current responsibilities of their Information, Communications and Technology Department if already existing. It will also oblige them to fully provide by 2022 an integrated E-Government services by using digital technologies in administrative processes and in modernizing the delivery of public services to the public. It likewise imposes penalties and liabilities to public officers and employees who continuously refuse or unwarrantedly delay the adoption of digitization efforts without any justifiable reason, among others.

Accordingly, the passage of this measure is earnestly sought.



WIN GATCHALIAN

² Philippine Digital Transformation Strategy 2022, Department of Information and Communications Technology.



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**AN ACT
MANDATING THE FULL DIGITAL TRANSFORMATION OF ALL
GOVERNMENT AGENCIES, OFFICES AND CORPORATIONS, INCLUDING
LOCAL GOVERNMENT UNITS, APPROPRIATING FUNDS THEREFOR AND
FOR OTHER PURPOSES**

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled:*

1 SECTION 1. Short Title. – This Act shall be known as the “Full Digital
2 Transformation Act of 2020”.

3
4 SEC. 2. Declaration of Policy. – It is hereby declared a policy of the State
5 to afford efficient and cost-effective public services to citizens and businesses
6 in the country. Towards this end, it is necessary to employ information
7 technologies (IT) in public administration and in the delivery of public
8 services, to improve organizational and inter-government coordination thru
9 digital transformation of basic services, streamlining and integration of
10 workflows and processes and enhancing the government workforce’s
11 Information and Communication Technology (ICT) capacity. It is likewise
12 necessary for the government to effectively manage and secure its data,
13 information and transactions with the public, as well as expand

1 communication channels for engagement and empowerment of the Filipino
2 people.

3

4 **SEC. 3. Integrated E-Government Services.** - All government offices,
5 agencies, government-owned and controlled corporations, instrumentalities
6 and all local government units are mandated to adopt a digitization strategy
7 in accordance with the Philippine Digital Transformation Strategy 2022 and
8 to fully-provide integrated E-Government services to the public by December
9 31, 2022. For this purpose, these offices, agencies and corporations shall –

10 (a) immediately take measures to set-up electronic and online systems
11 that will make the means of exchanging data and information
12 between offices, departments and agencies secure, efficient and
13 seamless;

14 (b) streamline procedures by adopting automation and digitization of
15 government services to promote zero-contact policy and to facilitate
16 its efficient delivery in accordance with Republic Act No. 11032 or
17 the Ease of Doing Business and Efficient Government Service
18 Delivery Act of 2018, Republic Act No. 11234 or the Energy Virtual
19 One-Stop Shop Act, and other applicable laws;

20 (c) build-up its technology capabilities, including the establishment of
21 government data centers, data repositories, basic messaging and
22 electronic mail facilities, encryption systems and cyber-security
23 facilities;

24 (d) pursuant to and in accordance with Republic Act No. 11055 or the
25 Philippine Identification System Act, Republic Act No. 11315 or the
26 Community-Based Monitoring Systems Act, and other applicable
27 laws, harmonize common data related to persons, transportation,
28 business and land; reference data widely used as a standard across
29 multiple domains such as those pertaining to industry, occupational
30 and commodity classifications, tariff, geographical information; and

1 regional and international data standards that are bound to
2 unilateral or bilateral treaties or agreements;

3 (e) support agency onboarding on open-source systems advocated and
4 offered by the Department of Information and Communications
5 Technology; and

6 (f) invest heavily into developing organizational capability and staff
7 competencies that are well-suited to support national digital
8 transformation.

9
10 SEC. 4. Creation of Digital Transformation Department. - A Digital
11 Transformation Department (DTD) shall be created in every government
12 agency, office, corporation, instrumentality, and unit. In case an Information
13 & Communications Technology (ICT) Department already exists, the same
14 shall be transformed into a DTD. The DTD shall perform the functions of the
15 existing ICT Department, if any, of various agencies, offices, corporations,
16 instrumentalities, and units, as well as to be primarily tasked to perform the
17 following functions and responsibilities:

18 a) promote and support the onboarding and training of government
19 personnel in using eGov services aligned with the government's
20 digital transformation strategy;

21 b) speed up the acquisition and adoption of solutions of the agency,
22 office, corporation, instrumentality, or unit, and improving support
23 capabilities to other departments;

24 c) obtain and monitor networking tools to create channels of
25 communication with the general public and secure real-time
26 feedback on the relevance and quality of services it provides;

27 d) provide a system that will allow and promote coordination among
28 various departments to ensure that workflows, responsibilities and
29 accountabilities are properly tracked to allow the transacting public
30 to know the status of their requests at any given time; and

1 e) design service processes and procedures that will promote efficiency
2 and sense of expediency in the government.
3

4 SEC. 5. Violations and Persons Liable. – Any person who performs or
5 cause the performance of the following acts shall be liable under this Act, in
6 addition to violations under other laws, rules and regulations:

7 (a) Willful refusal or delaying to adopt or use the agency's digitization
8 efforts to streamline its procedures, to harmonize its data, and to
9 improve its technological capabilities, without any justifiable reason;

10 (b) Continuous use of proprietary legacy systems that were
11 implemented for more than ten (10) years, despite digitization efforts
12 of the agency, office, corporation, instrumentality, or unit;

13 (c) Continuous refusal to upgrade or update its IT systems for at most
14 three (3) years without justifiable cause;

15 (d) Fixing and/or collusion with fixers in consideration of economic
16 and/or other gain or advantage to delay the implementation of the
17 agency's digitization efforts; or

18 (e) Failure to render government services within the prescribed
19 processing time on any application or request due to refusal or delay
20 in the implementation of the agency's digitization efforts.
21

22 SEC. 6. Penalties and Liabilities; Administrative Jurisdiction. – Any
23 violations of the preceding actions will warrant the following penalties and
24 liabilities:

25 (a) First offense: administrative liability with six (6) months suspension:
26 Provided, however, that in the case of fixing and/or collusion with
27 fixers under Section 5(d), the penalty and liability under Sec. 6(b) of
28 this Act shall apply.

29 (b) Second offense: Administrative and criminal liability of dismissal
30 from the service, perpetual disqualification from holding public
31 office and forfeiture of retirement benefits and imprisonment of one

1 (1) year to six (6) years with a fine of not less than Five hundred
2 thousand pesos (P500,000.00) but not more than Two million pesos
3 (Php2,000,000.00)

4 Criminal liability shall also be incurred through the commission of
5 bribery, extortion or when violation was done deliberately and maliciously to
6 solicit favor in cash or in kind. In such cases, the pertinent provisions of the
7 Revised Penal Code and other special laws shall apply.

8 The administrative jurisdiction on any violation of the provisions of this
9 Act shall be vested in either the Civil Service Commission or the Office of the
10 Ombudsman as determined by appropriate laws and issuances.

11 The finding of administrative liability under this Act shall not bar the
12 filing of criminal, civil or other related charges under existing laws arising
13 from the same act or omission enumerated herein.

14
15 SEC. 7. Appropriations. — All national government offices, agencies,
16 and instrumentalities, and local government units shall incorporate the
17 amount necessary in the implementation of this Act in the annual General
18 Appropriations Act. All government-owned and controlled corporations shall
19 source the amount necessary for the implementation of this Act from their
20 respective corporate funds in the corporate operation budget approved by the
21 Department of Budget and Management.

22
23 SEC. 8. Implementing Rules and Regulations. — Within ninety (90) days
24 from the effectivity of this Act, the Department of Information and
25 Communication Technology (DICT), in consultation with appropriate
26 government agencies and other stakeholders, shall promulgate the necessary
27 rules and regulations to implement this Act.

28 The DICT shall implement, oversee, monitor and evaluate compliance
29 by various agencies, offices, instrumentalities, corporations, and units with
30 the objectives and provisions of this Act.

31

1 **SEC. 9. Separability Clause.** – If any provision of this Act is declared
2 invalid or unconstitutional, the provisions not affected thereby shall remain
3 in full force and effect.

4
5 **SEC. 10. Repealing Clause.** – All laws, presidential decrees, executive
6 orders, presidential proclamations, rules and regulations or parts thereof
7 contrary to or inconsistent with this Act are hereby repealed or modified
8 accordingly.

9
10 **SEC. 11. Effectivity.** – This Act shall take effect fifteen (15) days after its
11 publication in the Official Gazette or at least two (2) national papers of general
12 circulation.

13 **Approved,**